REMARKS AT THE MEETING OF THE BOARD OF TRUSTEES
OF THE PRACTISING LAW INSTITUTE
25TH ANNUAL RECEPTION AT THE
ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK
BY ALLEN W. DULLES, DIRECTOR OF CENTRAL INTELLIGENCE
15 OCTOBER 1958, 5:00 P.M., EDST

Ten years ago I was asked by President Truman to be chairman of a small committee of three -- it happens that both of the other members, William H. Jackson and Mathias Correa are members of this Bar -- to review the charter and operations of the newly organized Central Intelligence Agency. This Agency had been created the year before under the National Security Act which also combined the Armed Services in a Department of Defense and set up the National Security Council. In due course, like all committees, we filed a massive report which, like most reports, was duly read and pigeonholed for the time being.

A year or so later General Walter Bedell Smith was named Director of Central Intelligence. He dusted off the report, read it, and seemed to feel it made some sense. Accordingly, he called upon a couple of its authors, the third not being then available, and told them that it was up to them to come to Washington for a few weeks and suggest to him how the report should be -- to use a tired word -- implemented. Of course he added that this would only take six weeks or so.

For me, the six weeks have become eight years and I don't see the end yet.

Despite the wrench in separating myself from the practice of the law, and from a somewhat greater share in this world's goods, I have never had a dull moment. In fact I am one who does not feel that government service has been a sacrifice.

To organize a comprehensive intelligence service and carry out the operations associated with intelligence is a relatively new departure for this Government. The art of intelligence collecting is, of course, as old as civilization. But with us, until World War II, except for tactical military intelligence, we depended largely on the traditional channels of diplomacy and, in war time, upon our Allies.

It was another member of the New York Bar, of great eminence, General William J. Donovan, who, in World War II, laid the groundwork and developed a cadre of personnel and some of the theory for our present operations.

Now that we are eleven years old, I can report without fear of serious challenge that we have come of age in our own right.

We still have a way to go to reach the competence that anyone in my job would wish to have in order to cope with our present world-wide resonsibilities. Crises in the Quemoys, in countries such as Laos and Yemen -- which even as sophisticated an audience as this had heard little if anything about years or even months ago, may now involve vital national interest.

We have the task of helping to collect, analyze and disseminate a vast amount of information on a world in turmoil. The very volume of the information complicates the problem of getting at the essential facts.

We need above all the most highly technical information on nuclear developments, guided missiles and propulsion engines, as well as on the policies and intentions of other states, in particular of the Communist Bloc.

We feel that the scientific side of intelligence collection should be emphasized to the point where radar and electronics tend to take the place of the wiles of the Mata Hari of several decades ago.

We are called upon to do long-range estimating as to the character of the Communist threat and to develop the means for uncovering and meeting the activities of its world-wide subversive apparatus.

We must work with a great deal of anonymity, which is not a characteristic attribute of Americans, and we also have to be willing to take without reclame a good bit of ribbing from the public and the press; as, for example, when we do not appear to them to have known beforehand about a coup in Iraq or an attack on Suez. Sometimes our record is much better than we can publicly advertise.

We are far from perfect but we are improving and we now have a permanent place in Government. Also we are now given a real chance to sell our wares. Comprehensive intelligence reports reach the highest levels of Government and are given careful consideration. I also make weekly to the National Security Council an oral report, tailored as to length and content by the events abroad during the preceding week. Thus, we have the opportunity to present our view of developing events to those who have the responsibility for making the policy to deal with them.

One estimative problem looms above all others: where do we stand vis-a-vis the Soviet Union.

Today in overall military capabilities there is every reason to believe that we are in the lead.

That lead is not so great that we have any basis for complacency. We are approaching the day when in all probability each side will be equipped with long and medium range ballistic missiles and nuclear bombs sufficient for each to wreak fearful damage on the other. While we estimate that neither side will wish voluntarily to run the risk of general war, we also have to weigh the dangers of miscalculations and misinterpretations of others' actions, -- the danger of war by accident rather than calculation.

We also are constantly studying the likely techniques of the Communist Bloc, protected by what they believe to be their deterrent military force, to advance their proclaimed aims of world dominion.

We have every evidence that the Soviet and the Chinese Communists, while building up their offensive military power and their defensive capabilities, will endeavor to advance their policy by many means short of war, even local war, and particularly on two major fronts.

First, on the economic front, to overtake the United States industrially and agriculturally and to be in a position to disturb the normal trade pattern of the Free World and to gain influence and power over the economic life of many of the newly developing states of the Free World. Second, to subvert the governments of free countries, particularly the newly formed countries, before they have had an opportunity to learn the art of government or to build the educational and economic base on which free governments so largely depend.

In pursuing these economic and subversive objectives, as well as in developing their military power, the Communist regimes demand far greater sacrifices from their people than we in America have been asked to make for our own Government. It may well be that we are ready to work as hard as the people of the USSR and Communist China, but in this country we have developed a way of life which opens vast possibilities for the individual. He not only has the opportunity to work but also the leisure to reap some of the benefits of the great social and industrial progress of the past decades.

The peoples of the Soviet Union and Communist China, on the other hand, were never accustomed to expect much in the way of

material benefits. They tend to accept with resignation the demand made of them to put most of their efforts into the accomplishment of governmental objectives. They even appear to derive some inspiration from the belief, instilled in them by their rulers, that they are in a race to catch up with us and must leave to the future the question of enjoying the fruits of their labors.

We must expect very tough competition.

In talking to this group of distinguished lawyers I wish to single out for your consideration an old problem, yet one which is now appearing in a particularly acute form. It is a matter that the legal profession, in particular, should be considering.

This problem is the heavy strain on the democratic system which has resulted from the emergence of many new states with little experience in the ways of free government.

True representative government on the basis of universal suffrage and party rule is a product of years of growth and experience. Some of its roots go back to the Greek and Roman days; even there the governments were controlled by the sophisticated to rule the many.

Just over a hundred years ago, Macaulay wrote an extraordinary letter to an American friend, Henry S. Randall in Courtland Village, New York. The purpose of the letter was to comment upon a biography of Jefferson which Randall was writing and to discuss the American theories of Government.

In this letter Macaulay expressed the view that "Institutions purely democratic must, sooner or later, destroy liberty, or civilization or both." He predicted that when New England became as thickly populated as old England its institutions would be brought to the test, and he suggested that "when in the State of New York a multitude of people none of whom has had half a breakfast or expects to have more than half a dinner" choose the legislature, "there will be, I fear, spoliation. The spoliation will increase the distress. The distress will produce fresh spoliation. There is nothing to stop you. Your Constitution is all sail and no anchor."

"Either some Caesar or Napoleon will seize the reins of government with a strong hand; or your republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire was in the fifth; -- with this difference, that the Huns and the Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions."

Over the past century we have proved that Macaulay's prophesy of our future was wrong. Our heritage of education, our traditions, our two-party system, and our ability to provide a decent material standard of living, have largely met these challenges. Many other states have also proved him wrong. In the long run I believe that most of the states of the Free World will prove him to be wrong.

However, we were fortunate in being allowed to develop our liberal institutions at a time when there were few great external

dangers to meet. Our problems were chiefly internal, and they were eased by our constantly growing national production. There was no such threat as the Communist subversive penetration to add to any internal disruptive forces. There was in the background no such tempting mirage as the Communist dictator state seems to present today to those new and struggling democracies which find their problems almost impossible of solution in chaotic political surroundings.

The Communists help to confound the difficulties even of those states with long democratic traditions. For example, France for about a dozen years and until a few days ago, had tried to struggle along with a Constitution that provided an executive without authority, a voting system which bred a multiplicity of parties, a legislative body with vast responsibilities and no effective means of exercising them. The Communists exercised much influence in the shaping of that Constitution, and they profited greatly from it. Indeed it may not be too much to say that they rendered effective government practically impossible.

This is the Communist goal for others.

In recent years several states have turned from various forms of parliamentary government to the temporary expedient of military rule. There have been three such cases in the past few months. In some cases the step was taken to prevent the threat of Communist takeover; or to remove what were thought to be archaic institutions; in others to prevent political chaos.

It is not the system of free and representative government which has failed. That system has brought enormous benefits wherever it has been allowed to grow in the kind of soil it needs. There must be a background of education, a minimum decent material level so that life becomes something more than a bitter struggle against hunger, and there must be time for a tradition of responsible government to grow, free from subversion by Communist imperialism.

"Democracy without education is hypocrisy without limitation" is the remark of one of the leaders in a state that recently turned to military rule.

In some cases the move towards free institutions came before the people, many recently freed from colonial rule, were equipped to cope with them. In some, the authority of government was too dispersed to be effectively exercised; in most a system of responsible party government was not sufficiently developed because the parties themselves had no political background. Corruption tended to vitiate the administration of many soundly conceived development schemes.

In general, there has too often been a rule by a group of discordant minority groups ever changing and ever menaced by defections from their ranks and by groups of other minorities.

To you as lawyers and largely the makers of laws and constitutions and as students of theories of governments, there is a challenge in this problem of how free institutions can be established and preserved, particularly in the newly emerged and emerging states. We need ideas as to how such institutions can be adapted to countries where political traditions, general education, and the material levels of life are as yet inadequate to permit free and representative institutions to start functioning effectively.

The events of the immediate past, where parliamentary government has stumbled, are those of a transitional era and need not be accepted as showing a permanent trend. The era, however, is a dangerous one, complicated as it is by Communist infiltration. In the long run, we can be sure that no system of government will persist if it continues to deny to the people the basic human freedoms and a fair share in the responsibilities of government. The process of evolution to free institutions will be hastened as the people reach a higher degree of education and of discipline.

This principle applies also to the USSR itself, where the growth of education and contacts with the outside world have already brought about substantial changes. Some relaxation of the Stalinist terror under Khrushchev is only a part of the story.

Of course, we cannot tell others in newly emerging states how to organize their government, or even suggest that they should follow our own model. We must be understanding and slow in condemning the political road taken by those far less favored by tradition and circumstances than we. There are, however, two tests that may fairly be put to any Government; that it should truly work for the welfare of its people, and that it should respect and preserve the dignity and freedom of the individual citizen.